

REMARKS

In the Office Action¹, the Examiner rejected claims 1-17 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0054055 to Bollella ("Bollella") in view of U.S. Patent Application No. 2002/002538 to Takeo et al. ("Takeo") and in further view of European Patent Application EP 1162536 A1 to Hitachi Ltd. ("Hitachi").

Applicants amend claims 1, 3, 10, 12, and 17, and cancel claims 2 and 11. Claims 1, 3-10, and 12-17 remain pending.

Applicants respectfully traverse the rejection of the claims under 35 U.S.C. §112, second paragraph. Applicants respectfully submit that the scope of the claims, as amended, is clear. The rejection in the outstanding Office Action, however, appears to be directed to the breadth of the claims. For example, the rejection is concerned with "[w]hen or why or how is the timing of the switching working" and "what happens if the time of the next scheduled switch is more than the maximum allowable delay time from receipt of the request" (emphasis omitted). Office Action at 2. "Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112,

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant decline to automatically subscribe to any statement or characterization in the Office Action.

second paragraph.” MPEP §2173.04. Accordingly, Applicants request that the rejection be withdrawn.

Applicants respectfully traverse the rejection of the claims under 35 U.S.C. §103(a). The cited art, alone or in combination, fails to present a *prima facie* case of obviousness.

For example, independent claim 1 recites, among other things, "when it is determined that the time to the scheduled switch to the second OS is longer than the maximum allowable delay time from receipt of the interrupt request, [a process manager] causes the second OS to execute the interrupt request by interrupting execution of the current partition." The cited art, alone or in combination, fails to disclose or suggest at least this element of claim 1.

The outstanding Office Action concedes that Bollella "is silent to the teachings wherein the apparatus receives an interrupt request having a maximum time that execution of an interrupt associated with the interrupt request and be delayed from receipt of interrupt request." Office Action at 4. Accordingly, Bollella cannot teach or suggest the aforementioned element of claim 1.

Takeo fails to cure the deficiencies of Bollella. That is, Takeo also fails to disclose or suggest the aforementioned element of claim 1. Instead, Takeo discloses an intention enables a user to designate a start mode (i.e., starting time and condition for job processing) settable in a peripheral device at installation. Abstract. Indeed, Takeo is silent with respect to a "maximum allowable delay time from receipt of the interrupt request" as Takeo merely discloses scheduling a time to execute a job

process, such as a print job, a scan job, a copy job, or a fax job. See ¶¶ [0001] and [0141].

Additionally, Hitachi fails to cure the deficiencies of Bollella and Takeo. That is, Hitachi also fails to disclose or suggest the aforementioned elements of claim 1. Instead, Hitachi, merely discloses terminating the operation of one operating system and re-starting a second operating system in response to the generation of an interrupt. ¶ [0006].

For least the foregoing reasons, the cited art, alone or in combination, fails to present a *prima facie* case of obviousness. Indeed, there are significant differences between the cited art and the claimed invention which the outstanding Office Action fails to address. Accordingly, Applicants request that the rejection of claim 1 be withdrawn.

Independent claims 10 and 17, while different in scope, distinguish over the cited art for at least similar reasons to those discussed above with respect to claim 1. Claims 3-9 and 12-16 depend from one of claims 1 and 10. Claims 2 and 11 are canceled rendering their rejection moot.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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